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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations,
Channel 262A (100.3 mHz)
SYLVAN BEACH, NEW YORK

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

TO: Chief, Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

Michael S. Celenza (hereafter Petitioner), by his attorneys, and pursuant to Sections 1.401 and 1.420 of the Commission's Rules, hereby requests the Commission to amend Section 73.202(b) of its rules, the FM Table of Allotments, to allot Channel 262A (100.3 mHz) at Sylvan Beach, New York. In support thereof, the following is stated:

1. There is annexed hereto a channel allocation study prepared by T. Z. Sawyer Technical Consultants which demonstrates that Channel 262A may be allotted to Sylvan Beach, New York, in full compliance with the minimum distance separation and principal community coverage requirements of the Rules (Ibid., p. 1, and Table I). There is ample area in which to locate a Channel 262A facility. The proposed allocation is within 320 kilometers of the United States Canadian border. Petitioner's Technical Consultant has also determined that the proposed Channel 262A allocation complies with Canadian separation requirements (Ibid., p. 2, Table II).

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2. Sylvan Beach is located in Oneida County, New York. Sylvan Beach is an incorporated community with a population of 1,119 persons (1990 Census). Oneida County has a population of 250,836 (1990 Census). The proposed Channel 262A allocation would provide a first aural transmission service to Sylvan Beach. The proposed allocation will, therefore, advance the objectives of Section 307(b) of the Communications Act of 1934, as amended, and the Commission's FM allocation policies.

3. Petitioner hereby states that if the Commission grants this petition, he will apply for the channel when it is allotted, and, if his application is granted, he will promptly build the station.

WHEREFORE, for the foregoing reasons, Petitioner respectfully requests the Commission to grant this petition and to allot Channel 262A to Sylvan Beach, New York.

Respectfully submitted,

MICHAEL S. CELENZA

By:


James K. Edmundson

GARDNER, CARTON & DOUGLAS
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20005
(202) 408-7162

DATED: February 21, 1996
[149087.1]

**TECHNICAL EXHIBIT
PETITION TO MODIFY
FM TABLE OF ALLOTMENTS
CHANNEL 262A
SYLVAN BEACH, NEW YORK**

Petitioner: MICHAEL S. CELENZA

Narrative

The technical exhibit of which this narrative is part was prepared on behalf of Michael S. Celenza, petitioner, in support of a petition to modify the FM Table of Allotments (47 CFR § 73.202). In the petition Mr. Celenza proposes to add FM Channel 262A, as a fully spaced "Class A" FM commercial service, to serve the incorporated community of Sylvan Beach, New York.

Channel 262A, if allocated to Sylvan Beach, New York will not require that it be "site restricted." The geographical reference point for the community of Sylvan Beach, New York is listed in the official U.S.G.S. geographical digital gazetteer of the United States as:

43° 11' 47" North Latitude

75° 43' 51" West Longitude.

An area to locate the proposed facility had been determined by this office. At all points within this area, the proposed facility may be located and meet the requirements as to distance separations, from existing or proposed facilities and allotments, and the principal city of license coverage requirements.

As an aid in determining the feasibility of the proposed allocation, the geographical reference point for Sylvan Beach, New York was used for a channel separation study. The results of the study are contained herein as Table I. The allocation of Channel 262A at Sylvan Beach, New York meets all domestic separation requirements.

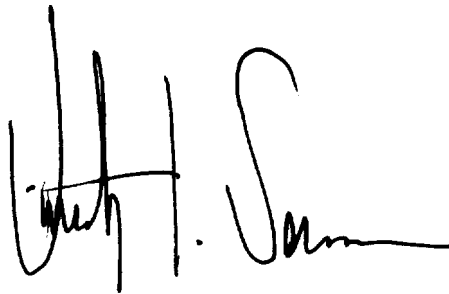
The proposed allocation is within 320 kilometers of the United States/Canada Border ¹, as such, concurrence from the Canadian government will be required. As an aid in determining the feasibility of the proposed allocation with respect to Canadian stations and allocations, a channel separation study with the proposed allocation as a Class B1 was conducted from the reference point for Sylvan Beach, New York. The results of that study (Canadian allocations or stations only) is contained herein as Table II. The proposed allocation meets all requirements to Canadian allocations or stations as a Class B1 proposal. As this proposal meets the requirements as a Class B1 to Canadian stations or proposals, concurrence of this proposed allocation is expected from the Government of Canada.

No other AM, FM or Television assignments are licensed to this incorporated community, which is listed in the 1990 U.S. Census as having a population of 1,119 persons. The proposed allocation will provide Sylvan Beach, New York with its first local service.

Further information, if required, concerning the technical merits or methods employed in the preparation of this technical narrative may be obtained by contacting the office of the undersigned.

February 20, 1996

Timothy Z. Sawyer
T.Z. Sawyer Technical Consultants
6204 Highland Drive
Chevy Chase, MD 20815
Tel.: (301) 913-9287
Internet E-mail address: tzsawyer@sawyer.com

A handwritten signature in black ink, appearing to read 'Timothy Z. Sawyer', is written over the printed name and contact information.

¹ The approximate distance from the proposed allocation point to the U.S./Canada Border is 98.4 kilometers at a bearing of 299.8 degrees true.

TABLE I

Page 1 of 2

FM SEPARATION STUDY MICHAEL S. CELENZA SYLVAN BEACH, NEW YORK CHANNEL 262A (100.3 MHZ)

Job Title :SYLVAN BEACH NEW YORK

Separation Buffer 64 km

FCC DB Date : 01/18/96

Channel 262A (100.3 MHZ)

Coordinates : 43-11-47 75-43-51

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
WUNY	Utica		208B	6.3	43-08-38	97.2	45.36	15
LIC	NY	BLE861021KA	89.5	237.0	75-10-40		30.36	CLEAR
SPECIAL NEGOTIATED SHORT-SPACED ALLOTMENT LTD TO 10.5KW @ 194M								
W209AF	Cortland		209D	.001	DA 42-35-53	209.3	76.21	0
LIC	NY	BLFT860228TB	89.7	.0	76-11-13		.00	TRANS
TRANSLATOR FOR WSKGFM, BINGHAMTON, NY.								
W259AC	Utica		259D	.050	43-06-08	104.3	41.96	0
LIC	NY	BLFT941013TB	99.7	-64.0	75-13-53		.00	TRANS
Translator For WJIV, Cherry Valley, NY								
NEW	Old Forge		259A	3.8	43-43-16	47.3	86.52	31
CP	NY	BPH940203MC	99.7	73.0	74-56-28	SS	55.52	CLEAR
WIII	Cortland		260B	23.5	42-33-22	206.0	79.12	69
LIC	NY	BLH880411KA	99.9	223.0	76-09-17		10.12	CLOSE
NEW-T	Lowville		261D	.010	43-44-00	12.5	61.14	0
APP	NY	BPFT941104TE	100.1	131.0	75-33-58		.00	TRANS
Translator For WLKC, Henerson, NY								
	Belleville		261A		44-10-00	309.9	170.37	113
	ON		100.1	.0	77-22-00		57.37	CLEAR
CBCO31	Belleville		261A		44-18-45	316.8	171.80	113
	ON		100.1	.0	77-12-25		58.80	CLEAR
CANADIAN PROPOSAL								
W262AC	Little Falls, etc.		262D	.005	43-01-10	105.0	74.60	0
LIC	NY	BLFT930922TC	100.3	44.0	74-50-49		.00	TRANS
Translator For WMHR, Syracuse, NY								
W262AD	Ithaca		262D	0.05	42-25-37	216.5	106.07	0
LIC	NY	BLFT930928TC	100.3	-68.0	76-29-55		.00	TRANS
TRANSLATOR FOR WIII, CORTLAND, NY								
WDHI	Delhi		262A	0.77	42-22-40	141.1	116.57	115
LIC	NY	BLH920319KB	100.3	196.0	74-50-23		1.57	CLOSE
Accepted by Canada 901108								

TABLE I

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**FM SEPARATION STUDY
MICHAEL S. CELENZA
SYLVAN BEACH, NEW YORK
CHANNEL 262A (100.3 MHZ)**

Job Title :SYLVAN BEACH NEW YORK

Separation Buffer 64 km

FCC DB Date : 01/18/96

Channel 262A (100.3 MHZ)

Coordinates : 43-11-47 75-43-51

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
WKBE LIC	Warrensburg NY	BLH950606KC	262B1 100.3	1.45 400.0	43-25-12 73-45-39	80.5	161.76 18.76	143 CLEAR
WHGLFM LIC	Canton PA	BLH880727KC	262B1 100.3	3.9 258.0	41-44-32 76-50-08	209.6	185.34 42.34	143 CLEAR
	Ottawa ON		262C1 100.3		45-30-11 75-51-02	357.9	256.49 .49	256 CLOSE
WMTT LIC	Conklin NY	BLH950403KB	263A 100.5	1.35 211.0	42-03-10 75-42-07	178.9 SS	127.07 55.07	72 CLEAR
WVORFM LIC	Rochester NY	BLH810421AD	263B 100.5	50. 146.0	43-02-00 77-25-17	263.1	138.79 25.79	113 CLEAR
								SPECIAL NEGOTIATED SHORT-SPACED ALLOCATION.
WVVC LIC	Utica NY	BLH940715KC	264A 100.7	1.60 191.0	43-02-15 75-11-45	112.0	46.99 15.99	31 CLOSE
								Proposed to canada as B1 on 901001-Accepted by Canada 901105
WLKC LIC	Henderson NY	BLH921117KA	264A 100.7	6.00 100.0	43-49-13 76-05-29	337.4	75.21 44.21	31 CLEAR
								Proposed to Canada as B1 on 920605-Accepted by Canada 920730-Specially negotiated, short-spaced allotment
WKRLFM LIC	North Syracuse NY	BLH911016KC	265A 100.9	6. 50.0	43-09-06 76-07-58	261.5	33.07 2.07	31 CLOSE
								Proposed to Canada as B1 on 910913

** End of separation study for channel 262A **

TABLE II

Page 1 of 1

FM SEPARATION STUDY
MICHAEL S. CELENZA
SYLVAN BEACH, NEW YORK
CHANNEL 262A (100.3 MHZ)

Canadian Allocations or Stations Only (Class B1 Study)

Job Title :SYLVAN BEACH NEW YORK

Separation Buffer 64 km

FCC DB Date : 01/18/96

Channel 262B1 (100.3 MHZ)

Coordinates : 43-11-47 75-43-51

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
	Belleville ON		261A 100.1	.0	44-10-00 77-22-00	309.9	170.37 57.37	113 CLEAR
CBCO31	Belleville ON		261A 100.1	.0	44-18-45 77-12-25	316.8	171.80 58.80	113 CLEAR
CANADIAN PROPOSAL								
	Ottawa ON		262C1 100.3	.0	45-30-11 75-51-02	357.9	256.49 .49	256 CLOSE

** End of separation study for channel 262B1 **

CERTIFICATE OF SERVICE

I, Virginia L. Davidson, a secretary in the law offices of Gardner, Carton & Douglas, do hereby certify that true copies of the foregoing "PETITION FOR RULE MAKING" were sent February 21, 1996, by First-Class United States mail, postage prepaid, or as indicated by hand to the following:

John A. Karousos
Acting Chief
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8318
Washington, D.C. 20554
(BY HAND)


Virginia L. Davidson